In the High Court of Uttaranchal, at Nainital.

(1) First Appeal No. 47/2001 **(Old No. 619/2000)**

Oil and Natural Gas Corporation Ltd. .... Appellant

Versus

Collector Dehradun and another .. Respondents.

(2) First Appeal No. 168/2001

Oil and Natural Gas Corporation Ltd. .... Appellant

Versus

Collector Dehradun and another .. Respondents.

(3) First Appeal No. 169/2001

Oil and Natural Gas Corporation Ltd. .... Appellant

Versus

Collector Dehradun and another .. Respondents.

(4) First Appeal No. 170/2001

Oil and Natural Gas Corporation Ltd. .... Appellant

Versus

Collector Dehradun and another .. Respondents.

Sri J.P. Joshi, learned counsel for the appellants.

Sri Ashok Agarwal, learned counsel for the respondents.

Coram: Hon'ble P.C. Verma, J.

Hon'ble B.C. Kandpal, J.

Dated: 9-3-2006

All these appeals arise out of a common judgment and award dated 29-5-2000 passed by the Additional District Judge, Dehradun in Land Acquisition Case Nos. 167/1990, 168/1990, 169/1990 and 170/1990. Since common questions for consideration in these appeals are involved, therefore these appeals are being disposed of by this common judgment.

2- Brief facts of the case giving rise to the present appeals are that land of Mauza Kaulagarh, Pargana, Kendriya Doon was acquired for purposes of O.N.G.C. and Notification U/s 4(1) of the Land Acquisition Act was published on 6.7.1987 and that of U/S 6(1) of the Act was published on 4.12.1987. The possession of the

land was taken over on 27.7.1988 and award was published by the Special Land Acquisition Officer, Dehradun on 2.12.1989. Against the award of Special Land Acquisition Officer, Dehradun land acquisition cases were instituted before the Additional District Judge, Dehradun. The Additional District Judge, Dehradun after hearing the parties and perusing the evidence on record passed the impugned award. By the impugned award the Additional District Judge allowed the L.A. Cases and awarded the compensation to the claimants/ respondents @ Rs. 3,70,000/- per acre. In addition to this, he also awarded an additional amount @ 12% per annum from the date of publication of Notification U/S 4(1) of the Act till the date of possession or the date of award, whichever is earlier. The claimants were also awarded solatium @ 30%, interest @ 9% per annum for one year over the amount of compensation and thereafter @ 15% per annum till the date of payment.

3- Aggrieved by the impugned award, the appellant has come up in appeal.

4- Learned counsel for both the parties have agreed that these appeals may be disposed of in terms of the judgment dated 5-8-2005, rendered by a Division Bench of this Court in F.A. Nos. 31 to 42 of 2001 It has been submitted that though the Notifications under Section 4(1) of the Land Acquisition Act issued in the cases before the Division Bench and the case in hand were with regard to different land, but the lands in both the cases situate in the same vicinity and the market value and exemplars are similar, therefore the issues raised in the present appeals are squarely cover by the aforementioned judgment or the Division Bench. The Division Bench has modified the award and fixed the rate of compensation @ Rs. 3,00,000/- per acre. This order was thereafter corrected by the Division Bench vide order dated 22-9-2005 in Correction Application No. 6980/2005 In F.A. No. 42/2001, by which the compensation was modified @ Rs. 3,16,666/- per acre.

5- Therefore, all these appeals are disposed of in terms of order dated 5-8-2005, rendered by the Division Bench of this court in F.A. Nos. 31 to 42 of 2001, and the modification order date 22-9-2005 and the award rendered in the present cases is modified to

the extent that the rate of the acquired land in question shall be @ Rs. 3,16,666/- per acre instead of Rs. 3,70,000/-/- per Bigha as fixed by the Reference Court. Rest finding with regard to solatium and interest are maintained.

(B.C. Kandpal, J.) **(P.C. Verma, J.)**

ISB